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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
VICTOR SANTOS, )  
 )  
Defendant. )

No. CR 3-11-70345 JL

STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING HEARING TO  
JUNE 7, 2011 AT 9:30 A.M. AND  
EXCLUDING TIME FROM MAY 17, 2011  
THROUGH JUNE 7, 2011

On April 27, 2011, the parties in this case appeared before the Court for preliminary hearing on a criminal complaint. At that time, the parties requested and the Court agreed to set the preliminary hearing for May 17, 2010. Since that April 17 appearance, the parties have been in discussions regarding a proposed resolution. The parties have not reached a resolution on the case, however believe that continued discussions are in the interests of the defendant and the government. The defendant is not in custody. An additional three weeks will allow the parties enough time to come to a resolution on the case, and the time is required for the effective preparation of defense counsel in representation of defendant.

STIP. AND ORDER  
CR 3-11-70345 JL

1 The parties hereby jointly and respectfully request that the Court continue this matter to  
 2 Tuesday, June 7, 2011 at 9:30 a.m., before the duty Magistrate Judge Elizabeth D. Laporte for a  
 3 preliminary hearing.

4 The parties further stipulate that pursuant to Federal Rule of Criminal Procedure (FRCP)  
 5 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from May 17, 2011 through June 7,  
 6 2011. The parties agree that – taking into account the public interest in prompt disposition of  
 7 criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this  
 8 period of time any time limits applicable under Title 18, United States Code, Section 3161. The  
 9 parties represent that granting the continuance is the reasonable time necessary for continuity of  
 10 defense counsel and effective preparation of defense counsel, taking into account the exercise of  
 11 due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice  
 12 served by granting such a continuance outweighed the best interests of the public and the  
 13 defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

14  
 15 SO STIPULATED:

16		MELINDA HAAG
17		United States Attorney
18	DATED: 5/16/2011	/s/ Derek Owens
19		DEREK OWENS
20		Assistant United States Attorney
21	DATED: 5/16/2011	/S/ Brendan Conroy
22		BRENDAN CONROY
23		Attorney for the Defendant

24 For the reasons stated above, the Court hereby vacates the May 17, 2011 hearing before  
 25 Magistrate Judge Edward M. Chen and continues it to Tuesday, June 7, 2011 at 9:30 a.m., before  
 26 the duty Magistrate Judge Elizabeth D. Laporte for a preliminary hearing. The Court further  
 27 finds that an exclusion of time from May 17, 2011 through June 7, 2011 is warranted and that the  
 28 ends of justice served by the continuance outweigh the best interests of the public and the

1 defendant in a speedy trial. See 18 U.S.C. §3161 (h)(7)(A); FRCP 5.1(d). The failure to grant  
2 the requested continuance would deny the defendant of continuity of counsel and would deny  
3 defense counsel the reasonable time necessary for effective preparation, taking into account the  
4 exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C.  
5 §3161(h)(7)(B)(iv).

6  
7 SO ORDERED.

8  
9 DATED: 5/16/11  
10 \_\_\_\_\_

